

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

MIRLINDA ELMAZI, on behalf of herself and all  
others similarly situated,

*Plaintiff,*

v.

DSM-FIRMENICH AG, FIRMENICH  
INTERNATIONAL SA, FIRMENICH INC.,  
AGILEX FLAVORS & FRAGRANCES, INC.,  
GIVAUDAN SA, GIVAUDAN FRAGRANCES  
CORP., GIVAUDAN FLAVORS CORP.,  
UNGERER & COMPANY, INC., CUSTOM  
ESSENCE INC., INTERNATIONAL FLAVORS &  
FRAGRANCES INC., SYMRISE AG, SYMRISE  
INC., AND SYMRISE US LLC,

*Defendants.*

CIVIL ACTION NO: 23-CV-16127

YVONNE PEYCHAL, on behalf of herself and all  
others similarly situated,

*Plaintiff,*

v.

DSM-FIRMENICH AG, FIRMENICH  
INTERNATIONAL SA, FIRMENICH INC.,  
AGILEX FLAVORS & FRAGRANCES, INC.,  
GIVAUDAN SA, GIVAUDAN FRAGRANCES  
CORP., GIVAUDAN FLAVORS CORP.,  
UNGERER & COMPANY, INC., CUSTOM  
ESSENCE INC., INTERNATIONAL FLAVORS &  
FRAGRANCES INC., SYMRISE AG, SYMRISE  
INC., AND SYMRISE US LLC,

*Defendants.*

CIVIL ACTION NO: 23-CV-16242  
Related Action

**ORDER**

THIS MATTER having been opened to the Court by counsel for the End-User Plaintiffs (“EUPs”), and the Court having reviewed EUPs’ submission dated September 5, 2023, and for good cause appearing,

IT IS THIS 1st day of November, 2023

ORDERED as follows:

**CONSOLIDATION**

WHEREAS, on September 5, 2023, Mirlinda Elmazi filed a putative class action complaint on behalf of herself and other similarly situated end-user plaintiffs against defendants Givaudan S.A., Givaudan Fragrances Corporation, Givaudan Flavors Corporation, Ungerer & Company, International Flavors & Fragrances Inc., Symrise AG, Symrise Inc., Symrise US LLC, Firmenich International S.A., Firmenich Incorporated, and Agilex Flavors & Fragrances, Inc. alleging that they conspired to fix prices of certain fragrance products in violation of both Section 1 of the Sherman Act and various state antitrust and consumer protection statutes;

WHEREAS, on September 5, 2023, Yvonne Peychal filed a putative class action complaint on behalf of herself and other similarly situated end-user plaintiffs against defendants Givaudan S.A., Givaudan Fragrances Corporation, Givaudan Flavors Corporation, Ungerer & Company, International Flavors & Fragrances Inc., Symrise AG, Symrise Inc., Symrise US LLC, Firmenich International S.A., Firmenich Incorporated, and Agilex Flavors & Fragrances, Inc. alleging that they conspired to fix prices of certain fragrance products in violation of both Section 1 of the Sherman Act and various state antitrust and consumer protection statutes.

WHEREAS, both above-captioned actions (together, the “Actions”) present substantially similar questions of fact and law, such that consolidation under Rule 42 of the Federal Rules of

Civil Procedure and Local Rule 42.1 will serve the Court, the Parties, and the interests of justice by maximizing efficiency, minimizing redundancies, and eliminating the threat of inconsistent rulings.

NOW THEREFORE:

1) Pursuant to Fed. R. Civ. P. 42(a), the above-captioned Actions, Civil Actions 23-16127 and 23-16242, are hereby consolidated for all purposes.

2) The Clerk shall establish a Docket for the Actions under Civil Action No.23-16127. All papers filed in the Actions shall be filed on the Docket and shall bear the caption:

IN RE: FRAGRANCE END-USER PLAINTIFF ANTITRUST LITIGATION
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Civil Action No.: 23-16127

3) Any end-user plaintiff actions related to the Actions that are subsequently filed or transferred to this District, or to be filed or transferred, shall be consolidated herewith.

**INTERIM CO-LEAD COUNSEL**

1) The Court makes the following appointment according to Rule 23(g)(3):

**EUP Interim Co-Lead Class Counsel**

Kellie Lerner, Kimberly Justice

**EUP Liaison Counsel**

Michael Fitzgerald

These appointments are personal to the individual attorney appointed. The Court may add or replace members upon request from EUP Interim Co-Lead Class Counsel or on its own motion, if and as circumstances warrant.

- 2) EUP Co-Lead Interim Class Counsel and Liaison Counsel shall, in their discretion, be responsible for coordinating EUPs' pretrial activities and shall:
- a. Determine and present (in briefs, oral argument, or such other fashion as may be appropriate, personally or by a designee) to the Court and Defendants the position on all matters arising during pretrial proceedings;
  - b. Coordinate the initiation and conduct of discovery on behalf of EUPs consistent with the requirements of Fed. R. Civ. P. 26, including the preparation of master interrogatories and master requests for production of documents and coordinate the examination of witnesses in depositions;
  - c. Coordinate discovery efforts with co-counsel to ensure that discovery is conducted in an efficient, orderly, and non-duplicative manner;
  - d. Conduct and coordinate settlement negotiations;
  - e. Delegate specific tasks to other counsel or committees of counsel, as authorized by the Court, in a manner to ensure that pretrial preparation is conducted efficiently and effectively;
  - f. Enter into stipulations with opposing counsel for conduct of the litigation;
  - g. Prepare and distribute periodic status reports to the parties;
  - h. Maintain adequate time and disbursement records covering services for all EUPs' counsel in these actions;
  - i. Monitor the activities of co-counsel to ensure that schedules are met and unnecessary expenditures of funds are avoided;
  - j. Perform such other duties as may be incidental to proper coordination of EUPs' pretrial activities or authorized by further order of the Court;
  - k. Appoint additional committees including, but not limited to, expert, discovery, trial, and settlement committees;
  - l. Allocate among EUPs' counsel any award of attorney's fees and expenses.

SO ORDERED this 1st day of November, 2023

s/Jessica S. Allen  
United States Magistrate Judge